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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,633	12/16/2003	Didier Candau	016800-588	2660
21839	7590	07/12/2006	EXAMINER	
BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			DODSON, SHELLEY A	
			ART UNIT	PAPER NUMBER
			1616	
DATE MAILED: 07/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,633

Applicant(s)

CANDAU, DIDIER

Examiner

SHELLEY A. DODSON

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

SHELLEY A. DODSON
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

1.

Claims 1-34 are pending in this application filed December 16, 2003.

2.

Applicant's claims are directed toward 1,2,5-triazine sunscreens solubilized in mixed phthalimide eutectics.

Claim Rejections - 35 USC § 103

3.

The following is a quotation of 35 U.S.C. 103(a) which forms

the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.

Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candau USP No. 6,699,460 B2 in view Impernate et al USP No. 6,306,373.

Candau discloses UV-photostabilized sunscreen compositions comprising UV-screening 1,3,5-triazine compounds of the same formulas claimed by applicant. Note column 2, lines 5-25. Candau further discloses that these sunscreens are well known and are commercially available. Candau further discloses that the compositions are for topical application to the skin and hair. In column 12, lines 50-60, Candau further discloses that nanopigment screening agents are also present. Note columns 7-11 for other sunscreens claimed by applicant. Claim 30 discloses all other cosmetic adjuvants such as emulsifiers surfactants, emollients, etc. Candau discloses that each and every aspect of the claimed invention with the exception of a stabilizing amount of at least one mixed phthalimide eutectic.

Impernate et al disclose mixed phthalamide compounds as sunscreen solubilizers, specifically eutectic mixtures as claimed by the applicant in the instant application. Impernate further discloses that said solubilizers makes up between 30-60% of the composition by weight.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the phthalamide mixtures of Impernate into the topical sunscreensing compositions of Candau as a stabilizing or solubilizing agent in view of the teaching of Impernate that said phthalamide eutectic mixtures are known solubilizing agents. One of ordinary skill in the art would have had a reasonable expectation of success employing said eutectic mixtures to solubilize triazine sunscreensing compounds in view of the teaching that said agents had been previously employed to solubilized methoxydibenzolymethane sunscreensing agents.

Telephone Inquiries

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley A. Dodson whose telephone number is (571) 272-0612 and fax number (571) 273-0612. The examiner can normally be reached on Monday-Thursday from 7:30 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached at (571) 272-0646.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. This new location should be used in all instances when faxing any correspondence numbers to Group 1600. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the

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Private PAIR system, contact Electronic Business Center (EBC) at
866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Shelley A. Dodson', is written over a horizontal dashed line.

Shelley A. Dodson
Primary Examiner
Art Unit 1616

July 8, 2006